IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 835 of 1990
In
CRIMINAL MISC.APPLICATION No. 835 of 1990
In CRIMINAL MISC.APPLICATION No. 835 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

RAVINDRA GUNVANTLAL SHAH - Applicant(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

==========

Appearance :
NANAVATI ASSOCIATES for Applicant(s) : 1,
MR HL JANI for Respondent(s) : 1,
MS KUSUM M SHAH for Respondent(s) : 2,
==========

CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 28/09/2005

ORAL JUDGMENT

1.The petitioner/original accused has filed this petition under Section 482 of the Criminal Procedure Code praying

for quashing and setting aside the process issued by the learned Magistrate, Court No. 16, Metropolitan Magistrate court, Ahmedabad in Criminal Case No. 221 of 1990.

2.This court had issued the notice on 04.05.90. The matter was admitted on 26.06.90. Interim relief was granted initially. However, it was not extended further.

3.Mr. Mehta, learned advocate appearing for Nanavati Associates for the petitioner has mainly raised two contentions. Firstly, the firm is not shown accused in the said complaint and hence the complaint itself is not maintainable. The second contention is that the complainant has not produced the list of witnesses and hence provisions contained under Section 204(2) of the Criminal Procedure Code has not been followed.

4.After having heard the learned advocate appearing for the petitioner and having gone through the record, the court is not inclined to interfere in the matter while exercising its extraordinary powers vested under Section 482 of the Criminal Procedure Code. It is however, open for the petitioner to raise these contentions before the learned Magistrate as the court has not gone into the merits of the case.

5.With the above observations, this petition is accordingly disposed off. Rule discharged. No order as to cost.

(K.A. PUJ, J.)

Divya//